

Appl. No. : **09/889,320**
Filed : **January 10, 2002**

REMARKS

Upon entry of the foregoing amendments, Claims 23-34, 36-42 and 55-59 remain pending. Claims 1-22, 35 and 43-54 have been canceled without prejudice to their subsequent prosecution in a continuation application. Claims 25-29 stand currently withdrawn. Applicants have amended Claims 23 and 55.

Claims 23, 24, 36, 39, 41, 55-57 and 59 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Ohshita et al. (U.S. Pat. No. 5,873,428).

Claims 33, 34, 37, 38, 40 and 58 stand rejected under 35 U.S.C. § 103(a) as unpatentable in view of Ohshita et al.

Claim 30 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Ohshita in view of Taig (U.S. Pat. No. 5,328,002).

Claims 31 and 32 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Ohshita in view of Taig and Bedenbender (U.S. Patent No. 3,929,206).

Claim 42 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Ohshita in view of Heible (U.S. Pat. No. 5,894,903).

Applicants respectfully submit that the claims, as amended herein, overcome the Examiner's rejections and place the claims in condition for allowance.

Rejection of the Claims under 35 U.S.C. § 102(b)

Claims 23, 24, 36, 39, 41, 55-57 and 59 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Ohshita et al. (U.S. Pat. No. 5,873,428).

Ohshita discloses "a cover plate 66 [sic] affixed across the cavity 61 and [sic] a peripheral seal 67." See col. 4, lines 38-41. As Ohshita illustrates in Figure 6, the cover plate 66 is disposed flush with the open end of the hub 41. The seal 67 is also disposed at the open end of the hub 41, between the cover and the hub 41.

However, Ohshita does not disclose, among other things, a cover disposed in the recess near the closed end of the hub such that an outermost edge of the cover is axially spaced away from a plane defined by a circumferential edge of the open end of the hub.

Applicants have amended Claim 23 to recite, among other limitations, a hub defining a recess between an open end and a closed end of the hub, the open end of the hub having a circumferential edge that defines a plane generally perpendicular to a wheel axis, and a cover supported by a wheel shaft, the cover disposed in the recess near the closed end of the hub such

Appl. No. : **09/889,320**
Filed : **January 10, 2002**

that an outermost edge of the cover is axially spaced away from the plane defined by the circumferential edge. Accordingly, Applicants respectfully submit that amended Claim 23 is allowable over Ohshita. Claims 24, 30-34, and 36-42 depend from amended Claim 23. Applicants thus respectfully submit that Claims 24, 30-34, and 36-42 are also allowable over Ohshita for at least the same reasons as amended Claim 23, as well as on their own merit. For example, Claim 36 recites that the hub portion is generally cylindrical.

Likewise, Applicant has amended Claim 55 to recite, among other limitations, a hub defining a recess between an open end and a closed end of the hub, the open end of the hub having a circumferential edge that defines a plane generally perpendicular to a wheel axis, and a cover supported by a wheel shaft, the cover disposed in the recess near the closed end of the hub such that an outermost edge of the cover is axially spaced away from the plane defined by the circumferential edge. Accordingly, Applicants respectfully submit that amended Claim 55 is allowable over Ohshita. Claims 56-59 depend from amended Claim 55. Applicants thus submit that Claims 56-59 are also allowable over Ohshita for at least the same reasons as amended Claim 55, as well as on their own merit. For example, Claim 58 recites that the cover has a disk disposed within the recess.

Rejection of the Claims under 35 U.S.C. § 103(a)

Claims 33, 34, 37, 38, 40 and 58

Claims 33, 34, 37, 38, 40 and 58 stand rejected as unpatentable over Ohshita et al.

As discussed above, Ohshita discloses a cover disposed at, and flush with, the open end of the hub. See col. 4, lines 38-41; Figure 6.

However, Ohshita does not teach or suggest a cover disposed in the recess near the closed end of the hub such that an outermost edge of the cover is axially spaced away from a plane defined by a circumferential edge of the open end of the hub, as recited, among other limitations, in amended Claim 23. Accordingly, Applicants respectfully submit amended Claim 23 is patentable over Ohshita. Claims 33, 34, 37, 38 and 40 all depend from amended Claim 23 and thus include, among other limitations, the features in Claim 23 not taught or suggested by Ohshita. Accordingly, Applicants submit that Claims 33, 34, 37, 38, and 40 are likewise patentable over Ohshita.

Claim 55 has likewise been amended to recite, among other limitations, a cover supported by a wheel shaft, the cover disposed in the recess near the closed end of the hub such that an

Appl. No. : 09/889,320
Filed : January 10, 2002

outermost edge of the cover is axially spaced away from a plane defined by a circumferential edge of the open end of the hub. Accordingly, Applicants respectfully submit amended Claim 55 is patentable over Ohshita. Claim 58 depends from amended Claim 55 and thus includes, among other limitations, the features in Claim 55 not taught or suggested by Ohshita. Accordingly, Applicants respectfully submit that Claim 58 is likewise patentable over Ohshita.

Claim 30

Claim 30 stands rejected as unpatentable over Ohshita in view of Taig. As discussed above, amended Claim 23 is patentable over Ohshita. Claim 30 depends from amended Claim 23 and thus includes, among other limitations, the features in Claim 23 not taught or suggested by Ohshita. Applicants thus submit that Claim 30 is patentable over Ohshita, alone or in combination with Taig, not only because it depends from amended Claim 23, but also because it recites a unique combination of features not taught or suggested by the cited art.

Claims 31 and 32

Claims 31 and 32 stand rejected as unpatentable over Ohshita in view of Taig and Bedenbender. As discussed above, Claim 23 is patentable over Ohshita. Claims 31 and 32 depend from amended Claim 23 and thus include, among other limitations, the features in Claim 23 not taught or suggested by Ohshita. Applicants thus submit that Claims 31 and 32 are patentable over Ohshita, alone or in combination with Taig and Bedenbender, not only because they depend from amended Claim 23, but also because each of these claims recites a unique combination of features not taught or suggested by the cited art.

Claim 42

Claim 42 stands rejected as unpatentable over Ohshita in view of Heible. As discussed above, amended Claim 23 is patentable over Ohshita. Claim 42 depends from amended Claim 23 and thus includes, among other limitations, the features in Claim 23 not taught or suggested by Ohshita. Applicants thus respectfully submit that Claim 42 is patentable over Ohshita, alone or in combination with Heible, not only because it depends from Claim 23, but also because it recites a unique combination of features not taught or suggested by the cited art.

Withdrawn Claims

Applicants believe that independent Claim 23, amended above, remains generic to all identified species. Accordingly, Applicant respectfully requests that all withdrawn claims be added to the claims and considered as depending from generic Claim 23.

Appl. No. : 09/889,320
Filed : January 10, 2002

CONCLUSION

Applicants respectfully submit that the claims are in condition for allowance in view of the above remarks. Any remarks in support of patentability of one claim, however, should not be imputed to any other claim, even if similar terminology is used. Additionally, any remarks referring to only a portion of a claim should not be understood to base patentability on that portion; rather, patentability must rest on each claim taken as a whole. Applicants respectfully traverse each of the Examiner's rejections and each of the Examiner's assertions regarding what the prior art shows or teaches, even if not expressly discussed herein. Applicants also have not presented arguments concerning whether the applied references can be properly combined in view of the clearly missing elements noted above, and Applicants reserve the right to later contest whether a proper motivation and suggestion exists to combine these references.

The undersigned has made a good faith effort to respond to all of the rejections in the case and to place the claims in condition for immediate allowance. Nevertheless, if any undeveloped issues remain or if any issues require clarification, the Examiner is respectfully requested to call Applicant's attorney in order to resolve such issue promptly.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: Nov. 22, 2005

By: 

Josué A. Villalta
Registration No. 54,511
Attorney of Record
Customer No. 20,995
(949) 760-0404

AMEND

2080862_1
112105